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Of Attorneys for Defendant Country Mutual Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRECISION SEED CLEANERS, INC., an
Oregon corporation,

Case No. 3:10-cv-01023 HZ

Plaintiff,

v.

COUNTRY MUTUAL INSURANCE
COMPANY, a foreign corporation,

Defendant.

DECLARATION OF DANIEL
E. THENELL IN SUPPORT OF
DEFENDANT'S MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S MOTION
FOR ATTORNEY FEES AND
PREJUDGMENT INTEREST

I, Daniel E. Thenell, under penalty of perjury, and based upon my own personal knowledge,
declare as follows:

1. I am one of the attorneys retained to represent Country Mutual Insurance Company in this litigation.
2. Attached hereto as Exhibit 1 is a true and accurate copy of my office's e-mail to Precision Seed's counsel dated June 27, 2011, proposing mediation and expressing the desire for an expedient settlement.
3. Attached hereto as Exhibit 2 is a true and accurate copy of Precision Seed's email dated August 2, 2011, requesting stipulation to file an amended complaint.

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4. Attached hereto as Exhibit 3 is a true and accurate copy of my e-mail to Precision Seed's counsel dated August 5, 2011, regarding Precision Seed's objection to a settlement conference with a judge.
5. Attached hereto as Exhibit 4 is a true and accurate copy of Precision Seed counsel's email dated August 12, 2011, demanding \$1,000,000 to "sell the idea of a stay to Precision".
6. Attached hereto as Exhibit 5 is a true and accurate copy of the e-mails dated August 16, 2011 – August 26, 2011, offering \$700,000 in partial settlement, Precision Seed's counsel's responses to that offer, and the e-mail memorializing the conversation.
7. During the stay, the parties were not able to settle the dispute. A portion of that dispute involved the coverage limits available under the applicable policy.
8. Country Mutual's final offer at the settlement conference with Judge Acosta was \$2,000,000 exclusive of attorney fees. Precision Seed cut off settlement discussions and the settlement conference ended.
9. Attached hereto as Exhibit 6 is a table summarizing the Motion practice and results in this case.
10. Attached hereto as Exhibit 7 is a true and accurate copy of Precision Seed counsel's letter dated December 21, 2012.
11. Attached hereto as Exhibit 8 is a true and accurate copy of my letter to Precision Seed's counsel dated January 16, 2013.
12. Attached hereto as Exhibit 9 is a true and accurate copy of Precision Seed's letter dated January 21, 2013.
13. Attached hereto as Exhibit 10 is a true and accurate copy of my letter dated February 15, 2013.
14. Attached hereto as Exhibit 11 is a true and accurate copy of the e-mails between counsel dated February 24, 2013 –February 25, 2013.
15. Attached hereto as Exhibit 12 is a true and accurate copy of the e-mails between counsel dated March 13, 2013.

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16. On March 29, 2013, Precision Seed counsel's proposed a "eleventh hour" mediation to attempt and was concerned about additional litigation costs.
17. On April 4, 2013, the parties mediated the case and reached a resolution.
18. Attached hereto as Exhibit 13 is a true and accurate copy of the Oregon State Bar 2012 Economic Survey. The survey results of the average billing rates appear on pages 29 through 33 of the survey.
19. Attached hereto as Exhibit 14 is a spreadsheet outlining Country Mutual's objections to the billing entries submitted in support of its claim on a line-by-line basis.

/s/ Daniel E. Thenell
Daniel E. Thenell